MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2018/2019

UAL2612 – ADMINISTRATIVE LAW

(All Sections / Groups)

13 MARCH 2019
Reading Time : 2.30 p.m. – 2.45 p.m.
(15 Minutes)
Answering Time: 2.45 p.m. – 5.45 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE (3) HOURS** in which to answer the questions.

2. This Question paper consists of 5 pages with 5 Questions only.

3. This Question paper consists of 2 sections. Attempt **ONE (1)** question only in **Section A** and all **THREE (3)** questions in **Section B**. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are allowed to bring into Examination Hall CLEAN and ORIGINAL COPY of:
   (i) Rule of Courts 2012.

   "Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.

   Students are not allowed to lend or borrow statute(s) during the Examination.

5. Please write all your answers in the Answer Booklet provided.

SECTION A (Answer one Question only)

QUESTION 1

Aleeyah worked as a teacher at Sekolah Menengah Puncak Setia (SMPA) (fictitious). She received a notice from the school to attend a hearing before the school Staff Disciplinary Board (SDB) to answer a charge that she had unethically leaked the recent PT3 examination questions for the year 2017. The notice was served on her just before the hearing.

During the hearing, Aleeyah was given a copy of the investigation report relating to the charge. She requested for three things. First, she requested for an adjournment of the hearing to a later date to prepare a proper defence. Second, she wanted to engage a lawyer for the hearing. Third, she demanded a member of the SDB, Suzy, to be replaced with another person. This is because Aleeyah and Suzy had a recent history of animosity, which is widely known within the school community. However, the SDB rejected all of her requests.

The SDB considered her past employment record of coming late to office but it was not made known to her. In the end, SDB found her guilty and decided to punish her with dismissal of employment. Aleeyah was dissatisfied with the whole conduct of the hearing.

Analyse Aleeyah's situation and provide her with advice as to her rights and procedures under the law.

(Total : 25 marks)

Continued...

OR

QUESTION 2

Discuss the legal status of the subsidiary legislation based on the following situations:

(a) Section 9(1) of the Designer Act 1980 (DA 1980) (fictitious) empowers the Board of Designers (BD), after due inquiry, to strike a designer's name off the register if he is guilty of any act or conduct which in the opinion of the BD, is infamous in any professional respect. By-law 15 of the Designer By-laws 1981 (DB 19871) (fictitious) defines what constitutes infamous conduct on the part of the designer. It stipulates that all misconduct would be deemed to be conduct which is infamous in a professional respect under section 9 of the DA 1980. Meanwhile, By-law 16 states that the decision of the BD to strike a designer's name off the register is final and conclusive.

(12.5 marks)

(b) The Food Act 1990 (FA 1990) (fictitious) empowers the Food Controller (FC) to make orders regulating or giving directions concerning the production, manufacture, treatment, use, consumption, transport, storage, distribution, supply, sale, or purchase of any food items. The FC established two orders under this power. Order 1 stipulates that an application for licence to deal in milk is only given to an applicant who is above the age of 30. Order 2 indicates that the applicant who has been granted the licence to deal in milk shall also pay the FC a levy per litre of milk purchased.

(12.5 marks)

(Total: 25 marks)

Continued...

SECTION B (Answer all THREE questions)

QUESTION 3

(a) Discuss the basic principles of administrative law.

(10 marks)

(b) With reference to the case of *Subramaniam Vythiligam v Human Rights Commission of Malaysia* [2003] 6 CLJ 175, answer the following;

(i) State the brief facts of the case.

(5 marks)

(ii) Discuss the implication of the case to administrative law in Malaysia.

(10 marks)

(Total : 25 marks)

Continued...

QUESTION 4

Abu is consulting you on the possible remedies available to an aggrieved party under administrative law.

Abu is unhappy with certain decisions of a public authority because Abu feels that the decisions made were beyond the powers of the said authority. Abu is also unhappy due to the failure on the part of the public authority to perform some of their functions.

Advise Abu on the various remedies available under the principles of Judicial Review. Make reference to the necessary case laws and statutory provisions.

(Total : 25 marks)

Continued...

QUESTION 5

"*...the so called rules of natural justice are not engraved on tablets of stone. To use the phrase which better expresses the underlying concept, what the requirements of fairness demand when any body, domestic, administrative or judicial, has to make a decision which will affect the rights of individuals depends on the character of the decision-making body, the kind of decision it has to make and the statutory or other framework in which it operates.*"

(Lord Bridge, *Lloyd v McMahon* [1987] 1 AC 625).

With reference to the necessary case law, discuss the above statement.

(Total : 25 marks)

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